APPENDIX D

WASTE DISCHARGE REQUIREMENTS FOR FORMER LONG BEACH NAVAL COMPLEX INSTALLATION RESTORATION SITE 7 DREDGING PROJECT FROM THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LOS ANGELES REGION, FILE NO. 08-133, ORDER NO. R4-2008-0203

California Regional Water Quality Control Board
Los Angeles Region

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.waterboards.ca.gov/losangeles

Linda S. Adams
Cal/EPA Secretary

Arnold Schwarzenegger
Governor

December 24, 2008

Mr. Richard D. Cameron
Director of Environmental Planning
Port of Long Beach
925 Harbor Plaza
Long Beach, CA 90802

WASTE DISCHARGE REQUIREMENTS
FORMER LONG BEACH NAVAL COMPLEX INSTALLATION
RESTORATION SITE 7 DREDGING PROJECT (FILE NO. 08-133)

Dear Mr. Cameron:

Reference is made to our letter of October 9, 2008, which transmitted copies of tentative waste discharge requirements (WDRs) and a receiving water monitoring program for dredging and disposal of dredged/excavated material from the Former Long Beach Naval Complex Installation Restoration Site 7 Dredging Project within the Port of Long Beach, Los Angeles County.

In accordance with the California Water Code, this Board, at a public meeting held on December 11, 2008, reviewed the tentative requirements, considered all factors in the case and adopted Order No. R4-2008-0203 relative to this waste discharge (copy enclosed). The Standard Provisions, which were sent to you with the tentative requirements, were adopted without change and are part of this order.

All monitoring reports should be sent to the Regional Board, Attention: Information Technology Unit. Reference all technical monitoring reports required by this Order to our Compliance File No. 9479. We would appreciate it if you would not combine other reports, such as progress or technical reports, with your monitoring reports, but would submit each type of report as a separate document.

Should you have any questions, please telephone me at (213) 576-6718.

J. MICHAEL LYONS
Environmental Specialist IV

Enclosures

Cc: See attached mailing list

MAILING LIST

Bill Orme, Non-point Source Unit, SWRCB
Jennifer Fordyce, Office of Chief Counsel, SWRCB
Larry Simon, California Coastal Commission (San Francisco)
Bill Paznokas, California Department of Fish and Game (San Diego)
Kenneth Wong, U.S. Army Corps of Engineers (Los Angeles)
Spencer Macneil, U.S. Army Corps of Engineers (Los Angeles)
Allan Ota, U.S. Environmental Protection Agency (San Francisco)
Jorine Campopiano, U.S. Environmental Protection Agency (Los Angeles)
Ken Corey, U.S. Fish and Wildlife Service (Carlsbad)
Bryant Chesney, National Marine Fisheries Service (Long Beach)
Kirsten James, Heal the Bay
Susie Santilena, Heal the Bay
Janna Watanabe, Port of Long Beach
Matthew Arms, Port of Long Beach

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

ORDER NO. R4-2008-0203

WASTE DISCHARGE REQUIREMENTS
FOR
PORT OF LONG BEACH
(FORMER LONG BEACH NAVAL COMPLEX
INSTALLATION RESTORATION SITE 7 DREDGING PROJECT)
(FILE NO. 08-133)

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

1. The Port of Long Beach (POLB) has filed an application for Waste Discharge Requirements for dredging operations within the West Basin of Long Beach Harbor, Los Angeles County (Figure 1).

2. Installation Restoration Site 7 (IR Site 7) comprises approximately 700 acres of submerged land in the POLB's West Basin and is adjacent to the former Long Beach Naval Complex (LBNC) (Figure 1). Water depths in IR Site 7 range from 0 to -45 feet mean lower low water (MLLW).

   Beginning in 1938, the United States Navy constructed and operated the LBNC for troop deployment and industrial uses, including ship construction and repair. The former LBNC housed two major naval facilities: the Long Beach Naval Shipyard (LBNS) and the Naval Station Long Beach (NAVSTA). The LBNC provided logistical support for ships and performed work in connection with construction, conversion, overhaul, repair, alteration, dry-docking and fitting out of ships. From the early 1940s to the mid-1970s, various fuels, oils, and other organic and metal wastes were discharged at IR Site 7. As a result, the sediments within the site contain heavy metals, polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs) at levels predicted to cause ecological risks to the resident benthic communities.

   After more than 50 years of service, the NAVSTA was closed on September 30, 1994, under the Base Re-alignment and Closure Act (BRAC) II. On September 30, 1997, the LBNS was closed under BRAC IV. Site ownership for the majority of the submerged land within the West Basin formally was reverted to POLB under the BRAC program. Currently, a 100-foot annulus surrounding the West Basin remains under Navy ownership; however, the Navy plans to transfer this property to POLB. In 1998, an Environmental Impact Statement/Environmental Impact

Report (EIS/EIR) was prepared jointly by the United States Navy and POLB which described the reuse of the entire LBNS complex, including a proposed liquid bulk terminal on Pier Echo and a neobulk/breakbulk terminal on the United States Navy Mole.

As a condition for the property ownership transfer, POLB assumes responsibility for performing all remediation necessary to protect human health and the environment with respect to any hazardous substances which may exist in the West Basin. As part of the site closure process, a Remedial Investigation/Feasibility Study (RI/FS) investigated potential areas of contamination and evaluated options for remediation in an effort to reduce estimated ecological and human health risks. Investigations at IR Site 7 identified several chemically-impacted Areas of Ecological Concern (AOEC) and identified several Chemicals of Ecological Concern (COEC) with the potential to produce significant risk to benthic communities.

A proposed plan was developed that provides the greatest level of protection to IR Site 7 benthic communities, achieves the remedial action objectives, provides the greatest level of long-term effectiveness and permanence, and is easily implemented. To achieve this end, Sediment Management Objectives were developed. The remedies of the proposed plan are:

- AOEC-A and AOEC-C: removal and discharge of the AOEC sediments at off-site (outside IR Site 7) projects, thereby creating a clean substrate which will support the presence of an ecologically productive and diverse benthic community.
- AOEC-B: no remedial action necessary to protect the environment, since chemical concentrations have not resulted in sediment toxicity or adverse effects on the benthic community.
- AOEC-E, AOEC-F and AOEC-G (Pier AOECs): limited action necessary to implement institutional controls for the purpose of preventing unauthorized or uncontrolled disturbance and/or exposure of chemically impacted sediments underneath piers.
- AOEC-D: accepted as a no-action area, given low levels of contamination.

A subsequent Record of Decision (ROD) accepting the proposed remedy was signed by the United States Navy and the California Department of Toxic Substances Control in September 2007. Staff from the United States Environmental Protection Agency and the Los Angeles Regional Water Quality Control Board participated in the process to develop the proposed remedy and support the remedies outlined above as a solution to the sediment contamination problems in IR Site 7.

3. POLB proposes to dredge approximately 800,000 cubic yards of contaminated sediments from two areas of IR Site 7, namely AOEC-A and AOEC-C (Figure 2). The dredged material will be disposed of within a constructed, contained fill site at Pier G (Figure 2). The method of dredging either will be mechanical (clam-shell dredge), with dredged material transported to the fill site via split-hull bottom-dump barges, or via hydraulic pipeline, with dredged material pumped in slurry form to the fill site. Dredging will remove approximately 6 feet of material from AOEC-A and AOEC-CW (West), and approximately 4 feet of material from AOEC-CE (East) (Figures 3, 4, 5 and 6). The dredging operation is expected to require approximately 62 working days for completion.

   POLB also proposes to remove the abandoned sonar calibration pier from AOEC-CW and to remove and dismantle four sunken barges from AOEC-C. Removal of the dilapidated pier structure requires abatement of asbestos-wrapped above-water utilities, removal of the timber and steel superstructure and removal of the concrete piling. Materials will be recycled or disposed of at an approved upland disposal site. The four sunken barges will be retrieved and placed on an upland site in the port for hazardous material inspection, abatement (if necessary) and dismantlement. Demolition of the barges will generate an estimated 5000 cubic yards of debris during a 20-day work period, which will be disposed of at an approved upland disposal site.

4. The Pier G constructed fill site will be located at the north end of the Pier G Slip, near Berths G229-233. A rock containment dike will be constructed at the fill site and clean material will be placed behind the rock dike. POLB has designed the Pier G Slip landfill to effectively contain chemically contaminated materials and to control runoff of decant water from the settling of dredged material at the site. Any contaminated sediments placed at this site will be capped and sequestered by the placement of uncontaminated materials on top. The Western Anchorage Dredged Material Beneficial Reuse and Disposal Site will be used as a source of clean material for the Pier G Slip Fill. Approximately 165,000 cubic yards of clean fill material from the Western Anchorage site will be used.

   On November 6, 2006, the Regional Board adopted Order No. R4-2006-0084 for the Piers G/J Terminal Redevelopment Project. Although this order mentioned the general details of Phase III of the terminal redevelopment proposal, specific project details had not been developed and were not covered by that order. These waste discharge requirements for the Former Long Beach Naval Complex Installation Restoration Site 7 Dredging Project will cover these Phase III activities, including the Pier G North Slip Fill.

5. Sediment Management Objectives (SMOs) were developed during the RI/FS process to guide removal of contaminated sediments with the potential to produce significant risk to benthic communities (Table 1). POLB will conduct a confirmation sampling program to verify that contaminant levels remaining in sediments within the IR Site 7 area following completion of the dredging operations fall below these thresholds. In the event that sediments remain within IR Site 7 with contamination concentrations exceeding SMOs, POLB will be responsible for dredging and disposing of this additional material.

Table 1. Sediment Management Objectives for IR Site 7.

Contaminant	Sediment Management Objective
Copper	254 milligrams per kilogram
Lead	100 milligrams per kilogram
Mercury	0.9 milligrams per kilogram
Silver	3.5 milligrams per kilogram
Zinc	307 milligrams per kilogram
Total PAHs	5,400 micrograms per kilogram
Total PCBs	570 micrograms per kilogram
Total DDTs	210 micrograms per kilogram

6. POLB submitted a permit application to the United States Corps of Engineers (COE) for the permit application for proposed dredging and disposal operations associated with the Former Long Beach Naval Complex Installation Restoration Site 7 Dredging Project (SPL-2007-00708-TS). The COE is expected to issue the final permit following adoption of the waste discharge requirements by the Los Angeles Regional Water Quality Control Board.

   POLB previously obtained Permit Number 2001-00395-AOA from the COE, which covers all four phases of the Pier G/J Terminal Redevelopment Project, including the Phase III operations and Pier G North Slip Fill incorporated into the Former Long Beach Naval Complex Installation Restoration Site 7 Dredging Project.

7. POLB is the Lead Agency under the California Environmental Quality Act in the preparation of a Mitigated Negative Declaration (MND) for the Former Long Beach Naval Complex Installation Restoration Site 7 Dredging Project. On October 13, 2008, the City of Long Beach Board of Harbor Commissioners adopted the MND. The City also adopted a final Environmental Impact Report for the Piers G and J

Terminal Redevelopment Project in September 2000, pursuant to Public Resources Code Section 21000, et seq.

8. The Regional Board adopted a revised Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties on June 13, 1994. The Water Quality Control Plan contains water quality objectives for Los Angeles-Long Beach Harbor. The requirements contained in this Order as they are met will be in conformance with the goals of the Water Quality Control Plan.

9. The beneficial uses of Los Angeles-Long Beach Harbor (All Other Inner Areas) are: industrial process supply, navigation, water contact recreation (potential), non-contact water recreation, commercial and sport fishing, marine habitat, shellfish harvesting (potential), and preservation of rare, threatened or endangered species (one or more species utilize waters or wetlands for foraging and/or nesting).

10. With proper management of the dredging and disposal operations, the project is not expected to release significant levels of contaminants to the Harbor waters or other State waters nor adversely impact beneficial uses.

11. Dredging and disposal operations will be accomplished through the use of temporary equipment. The Waste Discharge Requirements imposed below will not result in any significant increase in energy consumption.

The Regional Board has notified the Port of Long Beach and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.

IT IS HEREBY ORDERED that the Port of Long Beach, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Requirements

1. The removal and placement of dredged/excavated material shall be managed such that the concentrations of toxic pollutants in the water column, sediments or biota shall not adversely affect beneficial uses.

2. Enclosed bay and estuarine communities and populations, including vertebrate, invertebrate and plant species, shall not be degraded as a result of the discharge of waste.

3. The natural taste and odor of fish, shellfish or other enclosed bay and estuarine resources used for human consumption shall not be impaired as a result of the discharge of waste.

4. Toxic pollutants shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.

5. There shall be no acute toxicity or chronic toxicity in ambient waters as a result of the discharge of waste.

6. Dredging, excavation or disposal of dredge spoils shall not cause any of the following conditions in the receiving waters:

    a. The formation of sludge banks or deposits of waste origin that would adversely affect the composition of the bottom fauna and flora, interfere with the fish propagation or deleteriously affect their habitat, or adversely change the physical or chemical nature of the bottom.

    b. Turbidity that would cause substantial visible contrast with the natural appearance of the water outside the immediate area of operation.

    c. Discoloration outside the immediate area of operation.

    d. Visible material, including oil and grease, either floating on or suspended in the water or deposited on beaches, shores, or channel structures outside the immediate area of operation.

    e. Objectionable odors emanating from the water surface.

    f. Depression of dissolved oxygen concentrations below 5.0 mg/l at any time outside the immediate area of operation.

    g. Any condition of pollution or nuisance.

B. Provisions

1. The Discharge Requirements specified above are valid only for dredging of a maximum of 800,000 cubic yards of sediment, disposal of the dredged material at the Pier G Slip constructed fill site, dredging of a maximum of 165,000 cubic yards of clean sediment from the Western Anchorage Dredged Material Beneficial Reuse and Disposal site and placement of this material at the Pier G Slip fill site, and removal of an abandoned sonar calibration pier and four sunken barges as described in Findings 3 and 4 above.

2. POLB shall manage the Pier G Slip constructed fill disposal site to effectively contain chemically contaminated materials and to prevent migration of contaminants from the disposal site into State waters.

3. POLB shall notify the Regional Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials or disposal operations; written confirmation shall follow within one week. POLB also shall notify the Regional Board immediately if confirmation sampling indicates that contaminant concentrations exceed the established Sediment Management Objectives (SMOs) in harbor sediments remaining within IR Site 7 following completion of the dredging operations. In this case, POLB shall submit a plan within 90 days describing additional dredging and disposal operations proposed to remove contaminated sediments that exceed the SMOs.

3. A copy of this Order shall be made available at all times to project construction personnel.

4. POLB shall provide the following information to the Regional Board:

   a. A copy of the final permit issued by the United States Corps of Engineers for the dredge and disposal operations.

   b. The scheduled date of commencement of each dredging and disposal operation at least one week prior to initiation of dredging.

   c. Notice of termination of dredging and disposal operations, within one week following the termination date.

5. POLB shall submit, under penalty of perjury, technical reports to the Regional Board in accordance with specifications prepared by the Executive Officer.

6. In accordance with section 13260(c) of the Water Code, POLB shall file a report of any material change or proposed change in the character, location, or volume of the waste.

7. These requirements do not exempt POLB from compliance with any other laws, regulations, or ordinances which may be applicable: they do not legalize this waste discharge, and they leave unaffected any further restraint on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.

8. In accordance with Water Code section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification. All discharges of waste into waters of the State are privileges, not rights.

9. This Order includes Attachment N: "Standard Provisions, General Monitoring and Reporting Requirements" ("Standard Provisions") and the attached Monitoring and Reporting Requirements, both of which are incorporated herein by reference. If there is any conflict between provisions stated hereinbefore and said "Standard Provisions", those provisions stated hereinbefore prevail. If there is any conflict between requirements stated in the attached Monitoring and Reporting Program and said "Standard Provisions", the former shall prevail.

10. This Order fulfills the requirements for a Clean Water Act Section 401 Water Quality Certification for the proposed project. Pursuant to section 3860 of title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

    a. this certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with 23 CCR section 3867);

    b. this certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC)

license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;

c. this certification is conditioned upon total payment of any fee required pursuant to 23 CCR division 3, chapter 28, and owed by the applicant.

11. This Order shall expire on December 31, 2010.

I, Tracy J. Egoscue, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 11, 2008.

Chief Deputy E.O.
for

TRACY J. EGOSCUE
Executive Officer

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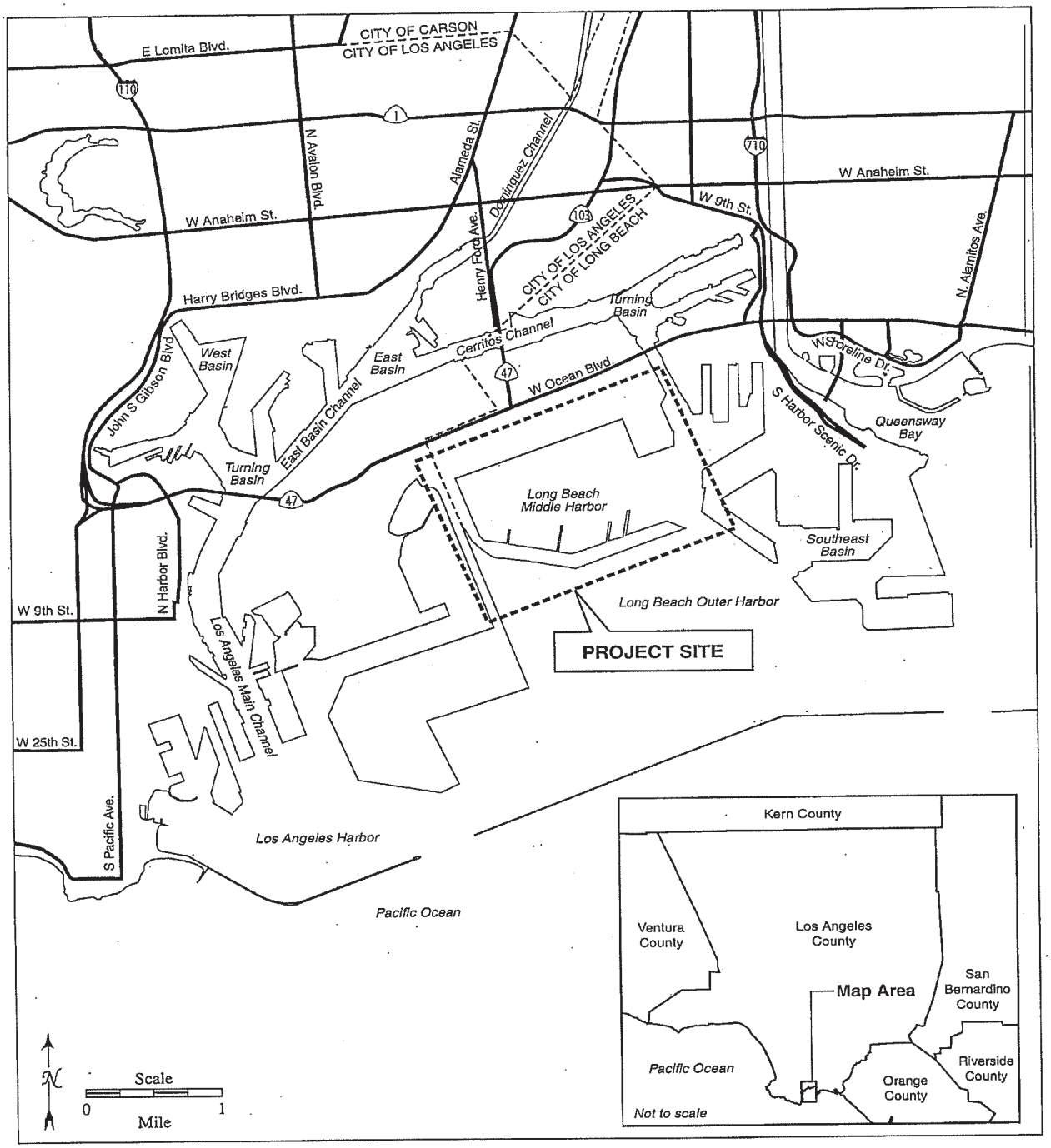

Figure 1. Location map for Former Long Beach Naval Complex Installation Restoration Site 7 Dredging Project in West Basin, Long Beach Harbor.

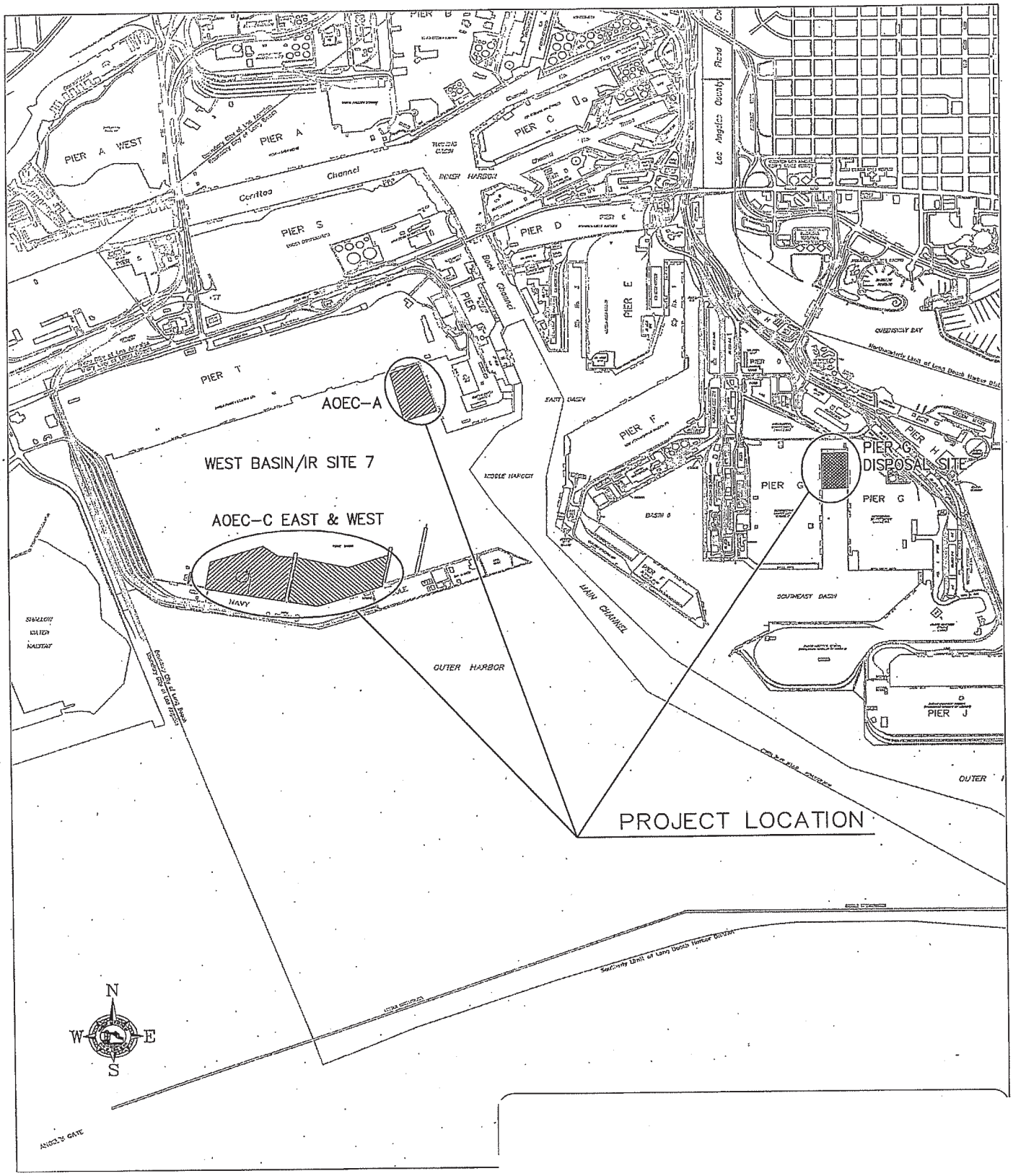

Figure 2. Location of Former Long Beach Naval Complex Installation Restoration Site 7 Dredging Project in West Basin, Long Beach Harbor.

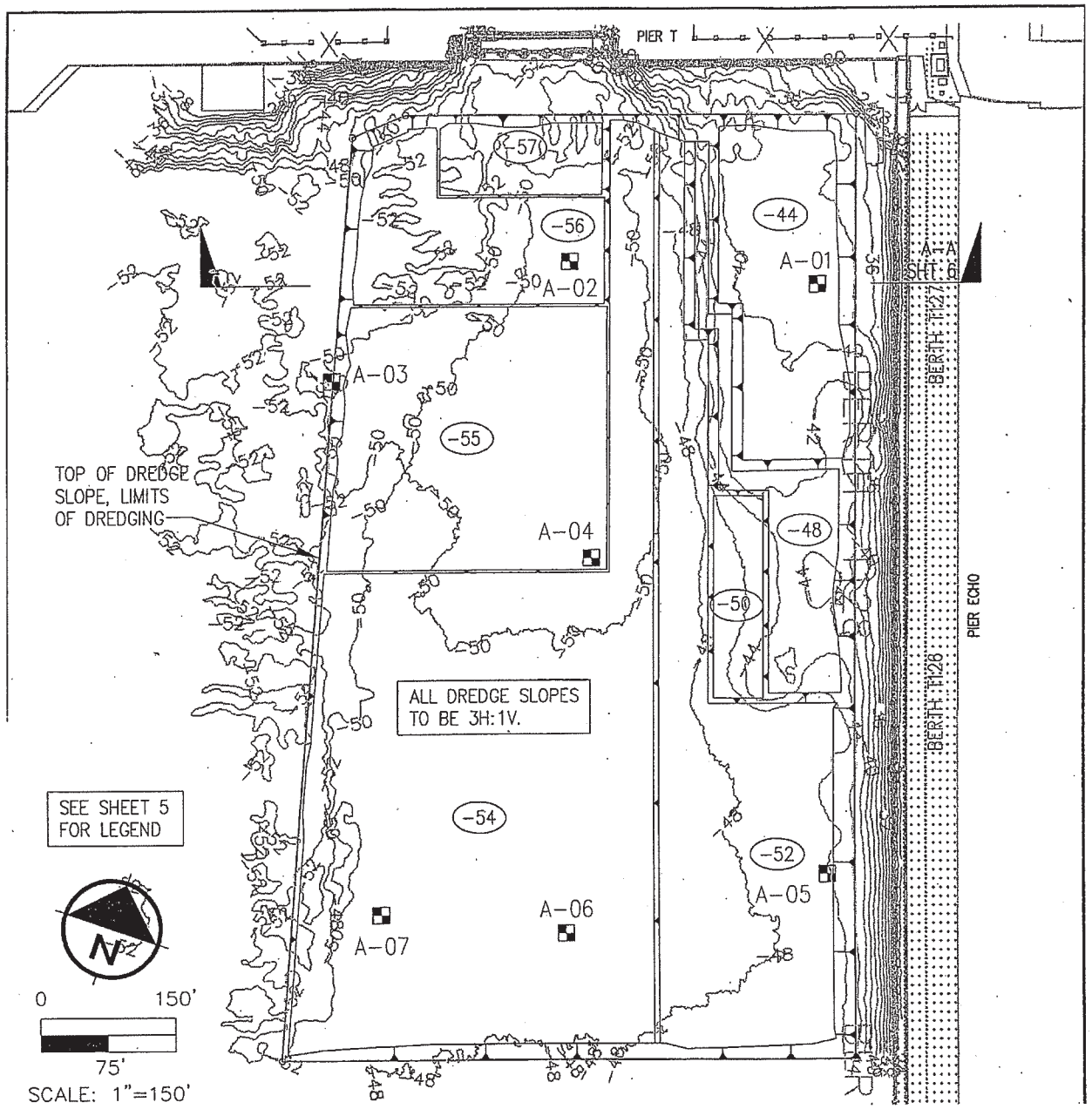

Figure 3. Dredging plan for AOEC-A for IR Site 7.

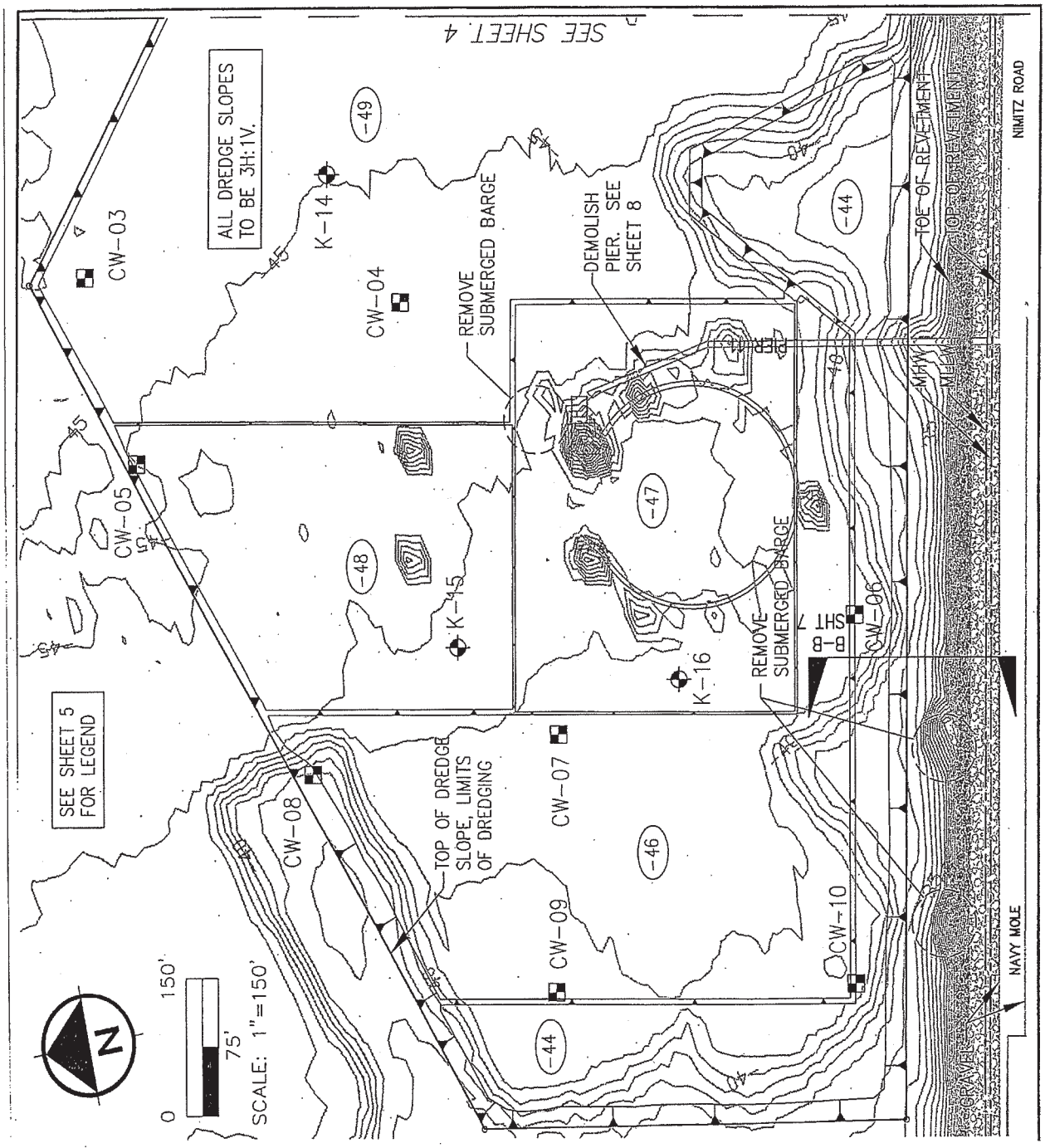

Figure 4. Dredging plan for AOEC-C East for IR Site 7.

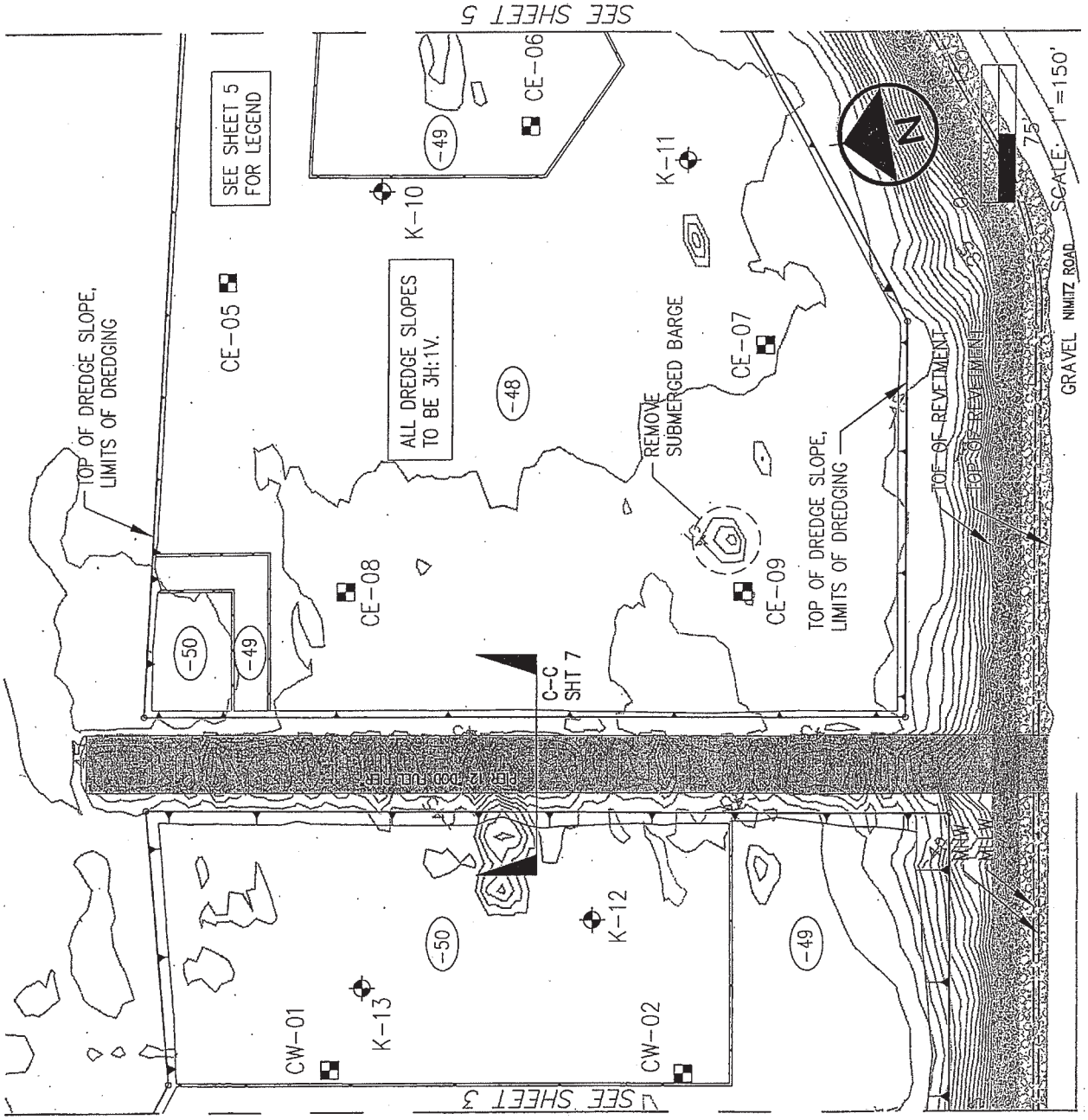

Figure 5. Dredging plan for AOEC-C East and West for IR Site 7.

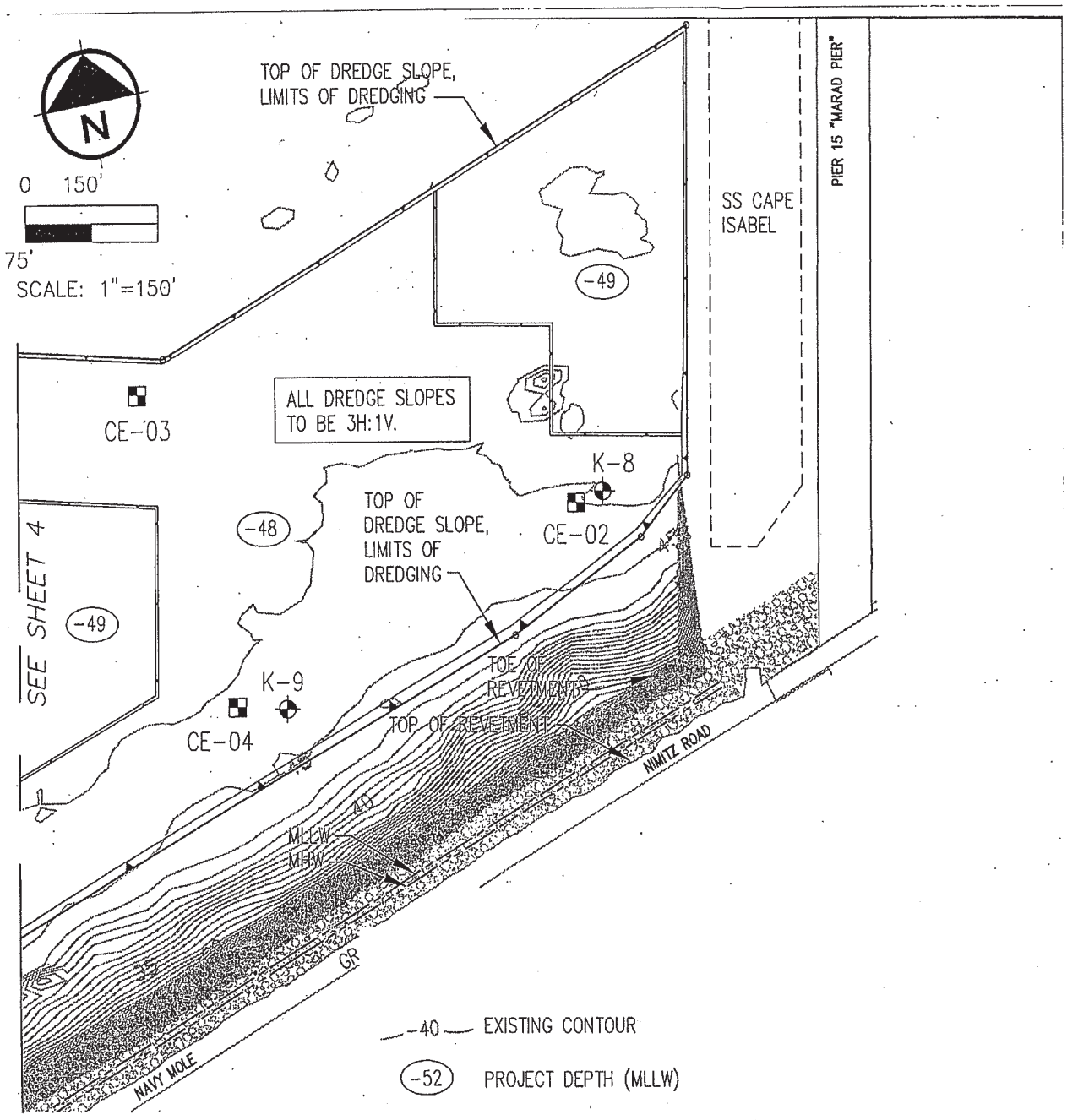

Figure 6. Dredging plan for AOEC-C West for IR Site 7.

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

MONITORING AND REPORTING PROGRAM NO. 9479
FOR
PORT OF LONG BEACH
(FORMER LONG BEACH NAVAL COMPLEX
INSTALLATION RESTORATION SITE 7 DREDGING PROJECT)
(FILE NO. 08-133)

1. Receiving Water Monitoring

The following sampling protocol shall be undertaken by the Port of Long Beach (POLB) during the proposed dredging project. Sampling for the receiving water monitoring shall commence at least one week prior to the start of the dredging and fill operations and continue at least one week following the completion of all such operations. Sampling shall be conducted a minimum of once a week during dredging operations. Sampling shall be conducted down current of the dredge sites at least one hour after the start of dredging operations. All receiving water monitoring data shall be obtained via grab samples or remote electronic detection equipment. Receiving water samples shall be taken at the following stations:

Station	Description
A	30.5 meters (100 feet) up current of the dredging operations, safety permitting.
B	30.5 meters (100 feet) down current of the dredging operations, safety permitting.
C	91.5 meters (300 feet) down current of the dredging operations.
D	Control site (area not affected by dredging operations).

The following shall constitute the receiving water monitoring program:

Water Column Monitoring Parameters	Units	Station	Frequency
Dissolved oxygen[1]	mg/l	A-D	Weekly[2]
Light transmittance[1]	% Transmittance	" "	"
pH[1]	pH units	" "	"
Suspended solids[3]	mg/l	" "	"

[1]Measurements shall be taken throughout the water column (at a minimum, at 2-meter increments).
[2]During the first two weeks of dredging, stations shall be sampled two times per week.
[3]Mid-depth shall be sampled.

Water column light transmittance values from Stations C and D shall be compared for the near surface (1 meter below the surface), for mid-water (averaged values throughout the water column, excluding the near surface and bottom) and for the bottom (1 meter above the bottom). If the difference in % light transmittance between stations C and D for the near surface or mid-water or bottom is 30% or greater, water samples shall be collected at mid-depth (or the depth at which the maximum turbidity occurs) and analyzed for trace metals, DDTs, PCBs and PAHs. At a minimum, one set of water samples shall be collected and analyzed for these chemical constituents during the maintenance dredging operation.

In the event that the water column light transmittance values from Stations C and D exceed the 30% trigger described above, POLB shall conduct the standard water quality monitoring described above for three consecutive days following the date of exceedance. POLB shall notify the Regional Board, the California Coastal Commission, the United States Environmental Protection Agency and the United States Army Corps of Engineers within 24 hours following observance of the transmissivity exceedance. POLB shall investigate whether the exceedance is due to obvious dredging operational problems and can be corrected easily and quickly. However, if the turbidity problem persists or recurs, the POLB shall look for other causes of the problem and evaluate whether additional, more aggressive best management practices are required to eliminate the exceedances; this evaluation shall be performed in consultation with the four regulatory agencies listed above.

Color photographs shall be taken at the time of sampling to record the presence and extent of visible effects of dredging operations. These photographs shall be submitted with the receiving water monitoring reports.

POLB shall provide Regional Board staff with a receiving water monitoring program field schedule at least one week prior to initiating the program. Regional Board staff shall be notified of any changes in the field schedule at least 48 hours in advance.

2. Observations

The following receiving water observations shall be made and logged daily during dredging or excavating operations:

a. Date and time;
b. Direction and estimated speed of currents;
c. General weather conditions and wind velocity;
d. Tide stage;
e. Appearance of trash, floatable material, grease, oil or oily slick, or other objectionable materials;
f. Discoloration and/or turbidity;
g. Odors;

h. Depth of dredge operations during previous day;
i. Amount of material dredged the previous day;
j. Cumulative total amount of material dredged to date.

3. Confirmation Sampling

The proposed dredging project is expected to remove contaminated sediments present within the Former Long Beach Naval Complex Installation Restoration Site. To verify the extent of the removal of contaminated sediments and demonstrate that contaminant concentrations are below the established Sediment Management Objectives in the sediments remaining at the site after the dredging project has been completed, POLB shall conduct a confirmation study throughout this area within twelve months following completion of the dredging project. A detailed work plan outlining the proposed scope of the sediment characterization study shall be submitted to the Los Angeles Regional Board for approval by the Executive Officer by June 30, 2009. The schedule for completion of the sediment characterization study may be extended upon approval of the Executive Officer if necessary to accomplish the study objectives.

4. General Provisions

All sampling, sample preservation, and analyses shall be performed in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" promulgated by the United States Environmental Protection Agency.

All chemical analyses shall be conducted at a laboratory certified for such analysis by the State Department of Health Services, Environmental Laboratory Accreditation Program (ELAP), or approved by the Executive Officer.

POLB shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to insure accuracy of measurements, or shall insure that both activities will be conducted by third parties under Port supervision.

A grab sample is defined as an individual sample collected in fewer than 15 minutes.

All samples shall be representative of the waste discharge under normal operating conditions.

4. Reporting

Monitoring reports shall be submitted within 10 days following each weekly sampling period. In reporting, POLB shall arrange the monitoring data in tabular form so that dates, time, parameters, test data, and observations are readily discernible. The data shall be summarized to demonstrate compliance with the waste discharge requirements. A final report, summarizing the results of the weekly monitoring and reporting the total volume discharged, shall be submitted within one month

of completion of the project.

Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements, as well as all excursions of effluent limitations.

Each monitoring report must affirm in writing that:

> All analyses were conducted at a laboratory certified for such analyses by the Department of Health Services or approved by the Executive Officer and in accordance with current EPA guidelines or as specified in the Monitoring Program.

For any analysis preformed for which no procedure is specified in the EPA guidelines or in the Monitoring Program, the constituent or parameter analyzed and the method or procedure used must be specified in the report.

5. General Provisions for Reporting

For every item where the requirements are not met, POLB shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

Each report shall contain the following completed declaration:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

Executed on the_____day of_____, 20___,
at _____.

_____(Signature)

_____(Title)"

These records and reports are public documents and shall be made available for inspection during business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

Ordered by:

Chief Deputy E.O. for

TRACY J. EGOSCUE
Executive Officer

Date: December 11, 2008

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

STANDARD PROVISIONS, GENERAL MONITORING AND REPORTING REQUIREMENTS

"ATTACHMENT N"

A. General Requirements

1. Neither the disposal nor any handling of wastes shall cause pollution or nuisance.

2. Wastes discharged shall not contain any substances in concentrations toxic to human, animal, plant, or aquatic life.

3. This discharge shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Regional Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Clean Water Act, and amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

4. Wastes discharged shall not contain visible color,oil or grease, and shall not cause the appearance of color, grease, oil or oily slick, or persistent foam in the receiving waters or on channel banks, walls, inverts or other structures.

5. Wastes discharged shall not increase the natural turbidity of the receiving waters at the time of discharge.

6. Wastes discharged shall not cause the formation of sludge deposits.

7. Wastes discharged shall not damage flood control structures or facilities.

8. Oil or oily material, chemicals, refuse, or other pollutionable materials shall not be stored or deposited in areas where they may be picked up by rainfall and carried off of the property and/or discharged to surface waters. Any spill of such materials shall be contained and removed immediately.

9. The pH of wastes discharged shall at all times be within the range 6.0 to 9.0.

10. The temperature of wastes discharged shall not exceed 100° F.

11. The discharge of any radiological, chemical, or biological warfare agent or high level radiological waste is prohibited.

12. Effluent limitations, national standards of performance and toxic and pretreatment effluent standards established pursuant to Sections 301, 302, 303(d), 304, 306, 307, 316, 318 and 405 of the Federal Clean Water Act and amendments thereto are applicable to the discharge.

B. General Provisions

1. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under federal, state, or local laws, nor guarantee the discharger a capacity right in the receiving waters.

2. These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility, and they leave unaffected any further restraints on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.

3. The discharger must comply with all of the terms, requirements, and conditions of this order. Any violation of this order constitutes a violation of the Clean Water Act, its regulations and the California Water Code, and is grounds for enforcement action, Order termination, Order revocation and reissuance, denial of an application for reissuance; or a combination thereof.

4. A copy of these waste discharge specifications shall be maintained at the discharge facility so as to be available at all times to operating personnel.

5. Any discharge of wastes at any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of the Order.

6. The Regional Board, EPA, and other authorized representatives shall be allowed:

   a) Entry upon premises where a regulated facility is located or conducted, or where records are kept under conditions of this Order;

   (b) Access to copy any records that are kept under the conditions of this Order;

   (c) To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

(d) To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the Clean Water Act and the California Water Code.

7. If the discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the discharger must apply for and obtain a new Order.

8. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. If a toxic effluent standard or prohibition is established for toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition and so notify the discharger.

9. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:

(a) Violation of any term or condition contained in this Order;

(b) Obtaining this Order by misrepresentation, or failure to disclose all relevant facts;

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

10. In the event the discharger is unable to comply with any of the conditions of this Order due to:

(a) breakdown of waste treatment equipment;

(b) accidents caused by human error or negligence; or

(c) other causes such as acts of nature,

the discharger shall notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate

what steps were taken to correct the problem and the dates thereof, and what steps are being taken to prevent the problem from recurring.

11. If there is any storage of hazardous or toxic materials or hydrocarbons at this facility and if the facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.

12. The discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.

13. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control including sludge use and disposal facilities (and related appurtenances) that are installed or used by the discharger to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar system that are installed by a discharger only when necessary to achieve compliance with the conditions of this Order.

14. This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

15. This Order does not convey any property rights of any sort, or any exclusive privilege.

16. The discharger shall furnish, within a reasonable time, any information the Regional Board or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.

17. All applications, reports, or information submitted to the Regional Board shall be signed:

    (a) In the case of corporations, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;

    (b) In the case of a partnership, by a general partner;

(c) In the case of a sole proprietorship, by the proprietor;

(d) In the case of municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

18. The discharger shall notify the Board of:

(a) new introduction into such works of pollutants from a source which could be a new source as defined in section 306 of the Federal Clean Water Act, or amendments thereto, if such source were discharging pollutants to the waters of the United States,

(b) new introductions of pollutants into such works from a source which would be subject to Section 301 of the Federal Clean Water Act, or amendments thereto, if substantial change in the volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time the waste discharge requirements were adopted.

Notice shall include a description of the quantity and quality of pollutants and the impact of such change on the quantity and quality of effluent from such publicly owned treatment works. A substantial change in volume is considered an increase of ten percent in the mean dry-weather flow rate. The discharger shall forward a copy of such notice directly to the Regional Administrator.

19. The discharger shall notify the Board not later than 120 days in advance of implementation of any plans to alter production capacity of the product line of the manufacturing, producing or processing facility by more than ten percent. Such notification shall include estimates of proposed production rate, the type of process, and projected effects on effluent quality. Notification shall include submittal of a new report of waste discharge appropriate filing fee.

20. The discharger shall give advance notice to the Regional Board as soon as possible of any planned physical alterations or additions to the facility or of any planned changes in the facility or activity that may result in noncompliance with requirements.

21. The discharger shall file with the Board a report of waste discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.

22. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Regional Board as soon as they know or have reason to believe:

(a) that any activity has occurred or will occur that would result in the

discharge of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels:"

(i) One hundred micrograms per liter (100 µg/l);

(ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or

(iv) The level established by the Regional Board in accordance with 40 CFR 122.44(f).

(b) that they have begun or expect to begin to use or manufacture intermediate or final product or byproduct of any toxic pollutant that was not reported on their application.

23. Bypass (the intentional diversion of waste streams from any portion of a treatment facility) is prohibited. The Regional Board may take enforcement action against the discharger for bypass unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.);

(b) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance; and

(c) The discharger submitted a notice at least ten days in advance of the need for a bypass to the Regional Board.

The discharger may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable. The discharger shall submit notice of an unanticipated bypass as required in E-16.

24. A discharger that wishes to establish the affirmative defense of an upset in an action brought for non- compliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) an upset occurred and that the discharger can identify the cause(s) of the upset;

(b) the permitted facility was being properly operated by the time of the upset;

(c) the discharger submitted notice of the upset as required in E-16; and

(d) the discharger complied with any remedial measures required.

No determination made before an action for noncompliance, such as during administrative review of claims that non-compliance was caused by an upset,is final administrative action subject to judicial review.

In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof.

25. This Order is not transferable to any person except after notice to the Regional Board. In the event of any change in name, ownership, or control of these waste disposal facilities, the discharger shall notify this Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, copy of which shall be forwarded to the Board. The Regional Board may require modification or revocation and reissuance of the Order to change the name of the discharger and incorporate such other requirements as may be necessary under the Clean Water Act.

C. Enforcement

1. The California Water Code provides that any person who violates a waste discharge requirement or a provision of the California Water Code is subject to civil penalties of up to $5,000 per day, $10,000 per day, or $25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to $10 per gallon per day or $25 per gallon per day of violation; or

some combination thereof, depending on the violation, or upon the combination of violations.

Violation of any of the provisions of the NPDES program or of any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.

2. The Federal Clean Water Act (CWA) provides that any person who violates a permit condition or any requirement imposed in a pretreatment program implementing sections 301, 302, 306, 307, 308, 318 or 405 of the CWA is subject to a civil penalty not to exceed $25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing these sections of the CWA is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions implementing these sections of the CWA is subject to a fine of not less than $5,000, or more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.

3. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.

4. The Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained under this Order, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this act, shall upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.

D. Monitoring Requirements

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The discharger shall retain records of all monitoring information, including all calibration and maintenance monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the Report of Waste Discharge and application for this Order, for a period of at least five(5) years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or EPA at any time and shall be extended during the course of any unresolved litigation regarding this discharge.

3. Records of monitoring information shall include:

   (a) The date, exact place, and time of sampling or measurements;

   (b) The individual(s) who performed the sampling or measurements;

   (c) The date(s) analyses were performed;

   (d) The individual(s) who performed the analyses;

   (e) The analytical techniques or methods used; and

   (f) The results of such analyses.

4. All sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order.

5. All chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by an appropriate governmental regulatory agency.

6. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and to insure accuracy of measurements, or shall insure that both
equipment activities will be conducted.

7. The discharger shall have, and implement, an acceptable written quality assurance (QA) plan for laboratory analyses. The annual monitoring report required in E-8 shall also summarize the QA activities for the previous year. Duplicate chemical analyses must be conducted on a minimum of ten percent (10%) of the samples, or at least one sample per sampling period, whichever is greater. A similar frequency shall be maintained for analyzing spiked samples.

   When requested by the Board or EPA, the discharger will participate in the NPDES discharge monitoring report QA performance study. The discharger must have a success rate equal to or greater than 80%.

8. Effluent samples shall be taken downstream of any addition to treatment works and prior to mixing with the receiving waters.

9. For parameters where both 30-day average and maximum limits are specified but

where the monitoring frequency is less than four times a month, the following procedure shall apply:

(a) Initially, not later than the first week of the second month after the adoption of this permit, a representative sample shall be obtained of each waste discharge at least once per week for at least four consecutive weeks and until compliance with the 30-day average limit has been demonstrated. Once compliance has been demonstrated, sampling and analyses shall revert to the frequency specified.

(b) If future analyses of two successive samples yield results greater than 90% of the maximum limit for a parameter, the sampling frequency for that parameter shall be increased (within one week of receiving the laboratory result on the second sample) to a minimum of once weekly until at least four consecutive weekly samples have been obtained and compliance with the 30-day average limit has been demonstrated again and the discharger has set forth for the approval of the Executive Officer a program which ensures future compliance with the 30-day average limit.

E. Reporting Requirements

1. The discharger shall file with the Board technical reports on self monitoring work performed according to the detailed specifications contained in any Monitoring and Reporting Programs as directed by the Executive Officer.

2. In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernable. The data shall be summarized to demonstrate compliance with waste discharge requirements and, where applicable, shall include results of receiving water observations.

3. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

4. The discharger shall submit to the Board, together with the first monitoring report required by this permit, a list of all chemicals and proprietary additives which could affect this waste discharge, including quantities of each. Any subsequent changes in types and/or quantities shall be reported promptly.

5. The discharger shall file a technical report with this Board not later than 30 days after receipt of this Order, relative to the operation and maintenance program for this waste disposal facility. The information to be contained in that report shall

include as a minimum, the following:

(a) The name and address of the person or company responsible for operation and maintenance of the facility.

(b) Type of maintenance (preventive or corrective).

(c) Frequency of maintenance, if preventive.

If an operation and maintenance report has been supplied to the Board previously and there have been no changes, a second report need not be provided.

6. Monitoring results shall be reported at the intervals specified in the monitoring and Reporting Program.

(a) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

(b) If the discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 CFR Part 136 or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(c) Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this Order.

7. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this Order shall be submitted no later than 14 days following, each schedule date.

8. By March 1 of each year, the discharger shall submit an annual report to the Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the discharger shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the waste discharge requirements.

9. The discharger shall include in the annual report, an annual summary of the quantities of all chemicals, listed by both trade and chemical names, which are used for cooling and/or boiler water treatment and which are discharged.

10. Each monitoring report must affirm in writing that "all analyses were conducted at a laboratory certified for such analyses by the Department of Health Services or

approved by the Executive Officer and in accordance with current EPA guideline procedures or as specified in this Monitoring Program".

11. Each report shall contain the following completed declaration:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility, of a fine and imprisonment for knowing violations.

Executed on the ___ day of _____, 19__,

at _____.

_____(Signature)

_____(Title)"

12. If no flow occurred during the reporting period, the monitoring report shall so state.

13. For any analyses performed for which no procedure is specified in the EPA guidelines or in the monitoring and Reporting Program, the constituent or parameter analyzed and the method or procedure used must be specified in the monitoring report.

14. This Board requires the discharger to file with the Board, within 90 days after the effective date of this Order, a technical report on his preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. The technical report should:

(a) Identify the possible sources of accidental loss, untreated waste bypass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.

(b) Evaluate the effectiveness of present facilities and procedures and state when they become operational.

(c) Describe facilities and procedures needed for effective preventive and contingency plans.

(d) Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule contingent interim and final dates when they will be constructed, implemented, or operational.

This Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events.

Such conditions may be incorporated as part of this Order, upon notice to the discharger.

15. In the event wastes are transported to a different disposal site during the report period, the following shall be reported in the monitoring report:

(a) Types of wastes and quantity of each type;

(b) Name and address for each hauler of wastes (or method of transport if other than by hauling); and

(c) Location of the final point(s) of disposal for each type of waste.

If no wastes are transported offsite during the reporting period, a statement to that effect shall be submitted.

16. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
The following shall be included as information that must be reported within 24 hours under this paragraph:

(a) Any unanticipated bypass that exceeds any effluent limitation in the Order.

(b) Any upset that exceeds any effluent limitation in the Order.
(c) Violation of a maximum daily discharge limitation for any of the pollutants

listed in this Order to be reported within 24 hours.

The Regional Board may waive the above-required written report on a case-by-case basis.

17. Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.

18. The discharger shall report all instances of non- compliance not other wise reported at the time monitoring reports are submitted. The reports shall contain all information listed in E-16.

19. Each monitoring report shall state whether or not there was any change in the discharge as described in the Order during the reporting period.

20. Analytical data reported as "less than" for the purpose of reporting compliance with permit limitations shall be the same or lower than the permit limit(s) established for the given parameter.

21. The discharger shall mail a copy of each monitoring report to:

INFORMATION TECHNOLOGY
CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD - LOS ANGELES REGION
320 W. 4TH STREET, SUITE 200
LOS ANGELES, CA 90013

A copy of such monitoring report for those discharges designated as a major discharge shall also be mailed to:

REGIONAL ADMINISTRATOR
ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105

F. Publicly Owned Wastewater Treatment Plant Requirements
(Does not apply to any other type or class of discharger)

1. Publicly owned treatment works (POTWs) must provide adequate notice to the

Regional Board of:

(a) Any new introduction of pollutants into the POTW from an indirect discharger that would be subject to sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants.

(b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the Order.

Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

2. The discharger shall file a written report with the Board within 90 days after the average dry-weather waste flow for any month equals or exceeds 75 percent of the design capacity of his waste treatment and/or disposal facilities. The discharger's senior administration officer shall sign a letter which transmits that report and certifies that the policy-making body is adequately informed about it. The report shall include:

(a) Average daily flow for the month, the date on which the instantaneous peak flow occurred, the rate of that peak flow, and the total flow for that day.

(b) The discharger's best estimate of when the average daily dry weather flow rate will equal or exceed the design capacity of his facilities.

(c) The discharger's intended schedule for studies, design, and other steps needed to provide additional capacity for his waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.

3. The flow measurement system shall be calibrated at least once per year or more frequently, to ensure continued accuracy.

4. The discharger shall require any industrial user of the treatment works to comply with applicable service charges and toxic pretreatment standards promulgated in accordance with Sections 204(b), 307, and 308 of the Federal Clean Water Act or amendments thereto. The discharger shall require each individual user to submit periodic notice (over intervals not to exceed nine months) of progress toward compliance with applicable toxic and pretreatment standards developed pursuant to the Federal Clean Water Act or amendments thereto. The discharger shall forward a copy of such notice to the Board and the Regional Administrator.

5. Collected screening, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal and in accordance with the provisions of Section 405(d) of the Federal Clean Water Act and Division 7 of the California Water Code. For the purpose of this requirement, a legal point of disposal is defined as one for which waste discharge requirements have been prescribed by a Regional Water Quality Control Board and which is in full compliance therewith.

6. Supervisors and operators of publicly owned wastewater treatment plants shall possess a certificate of appropriate grade in accordance with regulations adopted by the State Water Resources Control Board.

   The annual report required by E-8 shall address operator certification and provide a list of current operating personnel and their grade of certification. The report shall include the date of each facility's Operation and Maintenance Manual, the date the manual was last reviewed, and whether the manual is complete and valid for the current facilities. The report shall restate, for the record, the laboratories used by the discharger to monitor compliance with this order and permit and provide a summary of performance.

G. Definitions

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility whose operation is necessary to maintain compliance with the terms and conditions of this Order.

2. "Composite sample" means, for flow rate measurements, the arithmetic mean of no fewer than eight individual measurements taken at equal intervals for 24 hours or for the duration of discharge, whichever is shorter.

   "Composite sample" means, for other than flow rate measurement,

   (a) A combination of at least eight individual portions obtained at equal time intervals for 24 hours, or the duration of the discharge, whichever is shorter. The volume of each individual portion shall be directly proportional to the discharge flow rate at the time of sampling;

   OR

   (b) A combination of at least eight individual portions of equal volume obtained over a 24-hour period. The time interval will vary such that the volume of wastewater discharged between samplings remains constant.

The compositing period shall equal the specified sampling period, or 24 hours, if no period is specified.

3. "Daily discharge" means:

   (a) For flow rate measurements, the average flow rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.

   (b) For pollutant measurements, the concentration or mass emission rate measured during a calendar day or during any 24-hour period reasonably representative of the calendar day for purposes of sampling.

4. The "daily discharge rate" shall be obtained from the following calculation for any calendar day:

$$\text{Daily discharge rate} = \frac{8.34}{N} \sum_{1}^{N} (Q_i)(C_i)$$

in which N is the number of samples analyzed in any calendar day, Q_i and C_i are the rate (MGD) and the constituent concentration (mg/l) respectively, which are associated with each of the N grab samples which may be taken in any calendar day. If a composite sample is taken, C_i is the concentration measured in the composite sample and Q_i is the average flow rate occurring during the period over which samples are composited.

5. "Daily maximum" limit means the maximum acceptable "daily discharge" for pollutant measurements. Unless otherwise specified, the results to be compared to the "daily maximum" limit are based on composite samples."

6. "Duly authorized representative" is one whose:

   (a) Authorization is made in writing by a principal executive officer or ranking elected official;

   (b) Authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(c) Written authorization is submitted to the Regional Board and EPA Region 9. If an authorization becomes no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements above must be submitted to the Regional Board and EPA Region 9 prior to or together with any reports, information, or applications to be signed by an authorized representative.

7. "Grab sample" is defined as any individual sample collected in a short period of time not exceeding 15 minutes. "Grab samples" shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be during hydraulic peaks. It is used primarily in determining compliance with "daily maximum" limits and the "instantaneous maximum" limits.

8. "Hazardous substance" means any substance designated under 40 CFR 116 pursuant to Section 311 of the Clean Water Act.

9. "Heavy metals" are for purposes of this Order, arsenic, cadmium, chromium, copper, lead, mercury, silver, nickel, and zinc.

10. "Instantaneous maximum" concentration is defined as the maximum value measured from any single "grab sample."

11. "Median" of an ordered set of values is the value which the values above and below is an equal number of values, or which is the arithmetic mean of the two middle values, if there is no one middle value.

12. "Priority pollutants" are those constituents referred to in 40 CFR 401.15 and listed in the EPA NPDES Application Form 2C, pp. V-3 through V-9.

13. "6-month median" means a moving "median" of daily values for any 180-day period in which daily values represent flow-weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred.

14. "7-day" and "30-day average" shall be the arithmetic average of the values of daily discharge calculated using the results of analyses of all samples collected during any 7 and 30 consecutive calendar day periods, respectively.

15. "Toxic pollutant" means any pollutant listed as toxic under section 307(a)(1) of the Clean Water Act or under 40 CFR 122, Appendix D.

16. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action.